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| 09/788,059      | 02/16/2001  | David Frederick Bantz | YOR920000804US1     | 5389             |

7590

10/28/2005

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EXAMINER

REAGAN, JAMES A

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/788,059

Applicant(s)

BANTZ ET AL.

Examiner

James A. Reagan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### Status of Claims

1. This action is in response to the informal communication received on 26 August 2005.
2. Claims 1-33 have been examined.

### Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-4, 9-11, 12-16, 20-22, 23-26, and 31-33 are rejected under 35 U.S.C. 102(a) as being anticipated by Vashistha et al. (US 20010051913 A1).

#### Claims 1-4, 12-16, and 23-26:

Vashistha, as shown, discloses the following limitations:

- *obtaining bids from a plurality of service providers for providing a service* (see at least paragraph 0037 as well as other relevant and related text);
- *determining an estimated time of completion for the service for each of the plurality of service providers* (see at least paragraphs 0081-0087 as well as other relevant and related text);

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- *providing the bids from the plurality of service providers and the estimated time of completion for the service for each of the plurality of service providers to the client device (see at least paragraphs 0081-0087 as well as other relevant and related text);*
- *determining a service provider rating for each of the plurality of service providers (see at least paragraphs 0071 and 0093 as well as other relevant and related text);*
- *providing the service provider rating for each of the plurality of service providers to the client device (see at least paragraphs 0071 and 0093 as well as other relevant and related text);*
- *receiving a selection of a selected service provider from the plurality of service providers and a command to place an order for the service with the selected service provider (see at least paragraphs 0078 as well as other relevant and related text);*
- *placing an order with the selected service provider (see at least paragraph 0079 as well as other relevant and related text);*
- *each bid includes a price for providing the service (see at least the abstract well as other relevant and related text);*

**Claims 9-11, 20-22, and 31-33:**

Vashistha, as shown, discloses the following limitations:

- *the method is implemented in an electronic marketplace provider (see at least paragraphs 0009-0012 as well as other relevant and related text);*
- *the electronic marketplace provider is present on a proxy server (see at least*

Figure 12 as well as other relevant and related text);

- *the electronic marketplace provider is present on the client device (see at least Figure 12 as well as other relevant and related text);*

### **Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-11, 16-19, and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vashistha, and further in view of Goino (US 2001/0056396 A1).

#### **Claims 5-11, 16-19, and 27-30:**

Vashistha discloses the project management and development methods as shown the rejections above. Vashistha does not disclose the following limitations:

- *each bid further includes an estimated time to perform the service at a location associated with a corresponding service provider.*
- *determining an estimated time of completion for the service for each of the plurality of service providers includes obtaining route information from a route determination provider based on a first location associated with the client device and a second location associated with a corresponding service provider.*

- *obtaining historical travel data from a historical database;*
- *calculating an estimated time of travel for each of the plurality of service providers based on the route information and the historical travel data.*
- *adding the estimated time of travel to an estimated time of performing the service at the second location.*

Goino, however, in at least discloses a computer-networked bidding system that includes placing bids based on a variable due date, delivery options, price, routes and routing, and multiple pick ups at multiple locations, as well as other relevant bidding options. See at least Figure 6, 14, 17-20, and 30+, related text, and other pertinent passages. IT would have been obvious to one of ordinary skill in the art at the time of the invention to combine the project management and development methods as disclosed Vashistha with Giono's variable pick up and delivery bidding system because, "its first object is to provide an auction method, an auction system and a server which can satisfy requirements other than the price for a client...to provide an auction method, an auction system and a server that permit a client who looks for a partner, with whom an article is sold or purchased, to find a trading partner who meets desired conditions in accordance with the client's circumstances with respect to trading dates such as the article delivery date, the payment deadline...to provide an auction method, an auction system and a server that can achieve the first object as well as meet requirements with respect to the position of a client (Goino, paragraphs 0010-0012)."

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Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **James A. Reagan** whose telephone number is **571.272.6710**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **571.272.6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

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**Washington, D.C. 20231**

or faxed to:

**571-273-8300** [Official communications, After Final communications labeled "Box AF"]

**571-273-8300** [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

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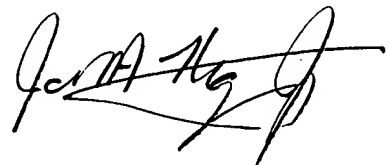
Alexandria, VA 22314.

JAMES A. REAGAN

Primary Examiner

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04 October 2005

A handwritten signature in black ink, appearing to read 'James A. Reagan', is written over a horizontal line.